

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

PLANNED PARENTHOOD SOUTH ATLANTIC;  
BEVERLY GRAY, M.D., on behalf of  
themselves and their patients seeking  
abortions,

Plaintiffs,

v.

JOSHUA H. STEIN, Attorney General of  
North Carolina, in his official  
capacity; TODD M. WILLIAMS, District  
Attorney ("DA") for Prosecutorial  
District ("PD") 40, in his official  
capacity; JIM O'NEILL, DA for PD 31, in  
his official capacity; SPENCER B.  
MERRIWEATHER III, DA for PD 26, in his  
official capacity; AVERY CRUMP, DA for  
PD 24, in her official capacity; JEFF  
NIEMAN, DA for PD 18, in his official  
capacity; SATANA DEBERRY, DA for PD 16,  
in her official capacity; WILLIAM WEST,  
DA for PD 14, in his official capacity;  
LORRIN FREEMAN, DA for PD 10, in her  
official capacity; BENJAMIN R. DAVID, DA  
for PD 6, in his official capacity; KODY  
H. KINSLEY, M.P.P., Secretary of the  
North Carolina Department of Health and  
Human Services, in his official  
capacity; MICHAUX R. KILPATRICK, M.D.,  
PhD., President of the North Carolina  
Medical Board, in her official capacity,  
on behalf of herself, the board and its  
Members; RACQUEL INGRAM, PhD., R.N.,  
Chair of the North Carolina Board of  
Nursing, in her official capacity, on  
behalf of herself, the Board and its  
members; and their employees, agents,  
and successors,

Defendants.

**Case No.1:23-CV-480**

**MOTION TO INTERVENE  
AS DEFENDANTS BY  
PHILIP E. BERGER,  
PRESIDENT *PRO TEMPORE*  
OF THE NORTH CAROLINA  
SENATE and TIMOTHY K.  
MOORE, SPEAKER OF THE  
NORTH CAROLINA HOUSE  
OF REPRESENTATIVES**

Pursuant to Federal Rule of Civil Procedure 24 and local rule 7.3, Philip E. Berger, President *Pro Tempore* of the North Carolina Senate, and Timothy K. Moore, Speaker of the North Carolina House of Representatives, ("Legislative Leaders") respectfully move to intervene as defendants on behalf of the General Assembly and as agents of the State of North Carolina to defend the portions of Session Law 2023-14 challenged by Plaintiffs. The Court should, respectfully, grant the Motion for the reasons offered in the accompanying Memorandum in Support.

Proposed Intervenor Defendants are attempting to intervene as soon as they became aware of the recently scheduled Hearing on June 28, 2023. They have not prepared a Proposed Answer pursuant to Rule 24(c). Instead, they request an expedited ruling on this Motion allowing them to intervene under these circumstances so that they can participate in the hearing on June 28, 2023. If the Court grants the Motion, the Legislative Leaders may seek leave of Court to file a Motion to Dismiss the Complaint. Defendant Attorney General Stein has indicated he does not oppose the Motion. Plaintiffs were not able to provide a position on the Motion before it was

filed. The Legislative Leaders have not been able to make contact with the counsel for President of the Medical Board and Chair of the Board of Nursing who entered an appearance late this afternoon. The Legislative Leaders do not know who represents any of the other named defendants because they have not made an appearance.

Respectfully submitted this 22nd day of June, 2023.

/s/ W. Ellis Boyle  
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*Attorney for Intervenor-  
Defendants Moore and Berger*

\* This email address must be used in order to effectuate service under the Federal Rules of Civil Procedure.

\*\* Email address to be used for all communications other than service.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of June, 2023, a copy of the foregoing document was served via the Court's CM/ECF system which served notice of this filing to all counsel of record.

/s/ W. Ellis Boyle  
W. Ellis Boyle